



Legislative Bulletin.....November 18, 2003

Contents:

- H.Res. 411**—Expressing the sense of the House that John Wooden should be honored for his contributions to sports and education
- H.Res. 391**—Congratulating the University of Illinois Fighting Illini men's tennis team for its successful season
- H.R. 1006**—Captive Wildlife Safety Act
- H.R. 1204**—To amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System and to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties
- H.R. 1651**—Sierra National Forest Land Exchange Act
- H.R. 2907**—Northern Arizona National Forest Land Exchange Act
- H.R. 280**—National Aviation Heritage Area Act
- S. 254**—Kaloko-Honokohau National Historical Park Addition Act
- H.R. 1189** - To increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands
- H.Con.Res. 313** - To urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church
- H.R. 2130** - To redesignate the facility of the United States Postal Service located at 650 Kinderkamack Road in River Edge, New Jersey, as the "New Bridge Landing Post Office"
- S. 1718** - To designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office"
- S. 867** - To designate the facility of the United States Postal Service located at 710 Wick Lane in Billings, Montana, as the "Ronald Reagan Post Office Building"
- H.Con.Res. 69** - Expressing the sense of Congress that Althea Gibson should be recognized for her ground-breaking achievements in athletics and her commitment to ending racial discrimination and prejudice within the world of sports
- H.Con.Res. 320** - Expressing the sense of the Congress regarding the importance of motorsports
- H.R. 3287** - To award congressional gold medals posthumously on behalf of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of *Brown et al. v. the Board of Education of Topeka et al*
- H.R. 3491** — National Museum of African-American History and Culture Act
- Berkley Motion to Instruct Conferees on H.R. 1**—Medicare Prescription Drug Modernization Act of 2003
- Kennedy (RI) Motion to Instruct Conferees on H.R. 2660**—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004

Summary of the Bills Under Consideration Today

Total Number of New Government Programs: 5

Total Number of New Federal Crimes: 1

Total Number of New Government Museums: 1

Total Number of New Federal Heritage Areas: 1

Total Cost of Discretionary Authorizations: In excess of \$49 million over 10 years

Total Amount of Revenue Reductions: None

Total Increase in Mandatory Spending: Approximately \$10 million over 10 years

Total New State & Local Government Mandates: None

H.Res. 411—Expressing the sense of the House that John Wooden should be honored for his contributions to sports and education (Lewis of CA)

Order of Business: The resolution is scheduled to be considered on Tuesday, November 18th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 411 would resolve that the House:

- “congratulates John Wooden for receiving well-deserved recognition through the Presidential Medal of Freedom, the Nation's highest civilian award, and the naming of the Pauley Pavilion basketball floor in his honor; and
- “commends the unparalleled achievements and contributions of John Wooden in the fields of sports and education.”

Additional Background: John Wooden coached the UCLA Bruins to ten NCAA Men's Basketball Championships in twelve years. During 40 years of coaching, Wooden compiled an 885-203 (.813) record.

Committee Action: The bill was referred to the Education and the Workforce Committee on October 21, 2003, but it was not considered.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.Res. 391—Congratulating the University of Illinois Fighting Illini men's tennis team for its successful season (Johnson of Illinois)

Order of Business: The resolution is scheduled to be considered on Tuesday, November 18th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 391 would resolve that the House:

- “congratulates and recognizes the University of Illinois Fighting Illini men's tennis team, coach Craig Tiley, and associate head coach Bruce Berque for the team's historic, successful, and monumental season; and
- “directs the Clerk of the House of Representatives to send, upon passage, an official copy of this Resolution to coach Craig Tiley, assistant coach Bruce Berque, and all other members of the 2003 National Championship men's tennis team.”

Additional Background: The University of Illinois Fighting Illini men's tennis team concluded its season with a Triple Crown, including national championships in the team tournament, singles tournament, and doubles tournament.

Committee Action: The bill was referred to the Education and the Workforce Committee on October 2, 2003, but it was not considered.

Cost to Taxpayers: The resolution would have a nominal cost of sending copies of this resolution to the tennis team and its coaches.

Does the Bill Create New Federal Programs or Rules?: No.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 1006—Captive Wildlife Safety Act (McKeon)

Order of Business: The bill is scheduled to be considered on Tuesday, November 18th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1006 would make it a federal crime to traffic any live lions, tigers, leopards, cheetahs, jaguars and cougars (or any hybrid of a lion species and tiger species). People exempted from this provision would be people who have expertise, knowledge, and experience with respect to the care of the relevant species in captivity and who:

- are licensed and inspected by the Animal and Plant Health Inspection Service with respect to that species;
- represent a State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;
- represent an accredited wildlife sanctuary that cares for prohibited wildlife species; or

- have custody of the animal solely for the purpose of transporting the animal to an exempted person.

Nothing in this bill would preempt any state law.

Additional Background: The following is provided by the House Resources Committee:

In 1900, Congress enacted legislation to support the efforts of states to protect their game animals and birds by prohibiting the interstate shipment of wildlife killed in violation of state or territorial law. This was the first federal law ever to address wildlife protection nationwide. Since that time, the Lacey Act has been amended several times with the most significant changes occurring with the Lacey Act Amendments of 1981. Today, the Lacey Act makes it unlawful to import, export, transport, sell, buy, or possess fish, wildlife or plants taken, possessed, transported, or sold in violation of any federal, state, foreign or Native American tribal law, treaty or regulation....This law makes trafficking in virtually any illegally acquired wildlife a federal crime. It is also illegal to mislabel wildlife shipments, bring injurious species into the country and import live wildlife under inhumane conditions. Those who knowingly violate the Lacey Act face maximum penalties of up to five years in prison and fines as high as \$250,000 for individuals and \$500,000 for organizations.

Committee Action: On July 15, 2003, the Resources Committee marked up and ordered the bill favorably reported to the full House.

Administration Position: **The Department of the Interior opposes the bill.** The testimony from the U.S. Fish and Wildlife Service can be found at this webpage:
<http://resourcescommittee.house.gov/108cong/fish/2003jun12/hogan.htm>

Cost to Taxpayers: CBO estimates that H.R. 1006 would authorize appropriations of \$4 million each year, beginning in FY2004.

Does the Bill Create New Federal Programs or Rules?: The bill would expand the applicability of federal criminal law, as it relates to animal trafficking.

Constitutional Authority: The Resources Committee, in House Report 108-269, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 1204—To amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System and to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties (Souder)

Order of Business: The bill is scheduled to be considered on Tuesday, November 18th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1204 would require that contracts for private concessions on National Wildlife Refuge System lands insist that such activities:

- provide accommodations, facilities, or services to members of the public who are visiting lands or waters in the System;
- provide visitors recreational, educational, or interpretive enjoyment of lands or waters in the System;
- be a compatible use; and
- be designed to conserve the natural and cultural resources of the System, facilitate the enjoyment of the lands and waters of the System by visitors to the System, and enhance such visitors' knowledge of the natural resources of the System.

Such contracts would also have to be awarded through a competitive bidding process and would have to allow for maintenance and repair on the relevant property on System lands (in exchange for lower fees).

The fees collected by the federal government from such contracts on System lands could be spent without further appropriation, but only:

- at the refuge or refuge complex with respect to which the amounts were received as fees or other payments;
- to increase the quality of the visitor experience;
- to reduce backlogged repair and maintenance projects (including projects relating to health and safety);
- for interpretation, signage, habitat, or facility enhancement; or
- for the administration of agreements, leases, permits, and contracts from which such amounts are derived.

The Secretary of the Interior would have to include, in the comprehensive conservation plan for each wildlife refuge, a description of the activities that may be conducted in the refuge, and the lands, waters, and facilities of the refuge that may be used, under concession contracts awarded according to this legislation. Further, the Secretary would have to annually report to Congress on this information and on the backlogged repair and maintenance, facility enhancement, and resource preservation projects completed by concessionaires and volunteers during the reporting period.

Additional Background: Current concession operations in National Wildlife Refuges include services such as canoe rentals, guided naturalist tours, ferry operations to remote refuge islands, and fishing guides.

Committee Action: On July 17, 2003, the Subcommittee on Fisheries Conservation, Wildlife and Oceans marked up and forwarded the bill to the full Resources Committee by voice vote. On September 24, 2003, the full Committee marked up and ordered the bill favorably reported to the full House by unanimous consent.

Administration Position: The Department of the Interior is concerned about the increased privatization of concessions services on refuges that this bill would encourage. To read the full statement from the U.S. Fish and Wildlife Service, visit this webpage:
<http://resourcescommittee.house.gov/108cong/fish/2003jun26/jones.htm>

Cost to Taxpayers: CBO estimates that enacting the bill would have no significant impact on the federal budget.

Does the Bill Create New Federal Programs or Rules?: No, the bill would establish formal contracting requirements for private concessionaires on public lands. Presumably, this would result in fewer government-owned concessions and more private ones.

Constitutional Authority: The Resources Committee, in House Report 108-347, cites constitutional authority in Article I, Section 8, but does not cite a specific clause. Article IV, Section 3, Clause 2 grants Congress the power to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 1651—Sierra National Forest Land Exchange Act (Radanovich)

Order of Business: The bill is scheduled to be considered on Tuesday, November 18th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1651 would authorize the conveyance (within one year) of a 160-acre federal parcel of land in California in (voluntary) exchange for an 80-acre private parcel plus \$50,000. The recipient of the federal land would have to convey all 160 acres to the Sequoia Council of the Boy Scouts of America not later than four months after receipt of the federal land.

The \$50,000 cash equalization payment would be available to the Secretary of the Interior until expended, without further appropriation, for the acquisition of lands for the National Forest System in the State of California. The owner of the private land would be responsible for all direct costs associated with processing the land exchange and would have to pay the Secretary the necessary funds. Such funds would be available to the Secretary until expended, without further appropriation, for the costs associated with the land exchange. Any funds remaining after completion of the land exchange that are not needed to cover expenses would have to be refunded to the owner of the private land.

Additional Background: The General Services Administration reports that the federal government owns 34.9% of the land in California (as of September 30, 2002).
http://www.gsa.gov/cm_attachments/GSA_PUBLICATIONS/Annual_Report_26_R2AV1-z-c_0Z5RDZ-i34K-pR.pdf

Committee Action: On July 9, 2003, the Resources Committee marked up and ordered the bill favorably reported to the full House by unanimous consent.

Administration Position: The Agriculture Department supports this bill:
<http://resourcescommittee.house.gov/108cong/forest/2003jun19/estill.htm>

Cost to Taxpayers: CBO confirms that this legislation would have no net impact on the federal budget (because the \$50,000 collected could be spent without further appropriation).

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Resources Committee, in House Report 108-256, cites constitutional authority in Article I, Section 8, but does not cite a specific clause. Article IV, Section 3, Clause 2 grants Congress the power to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 2907—Northern Arizona National Forest Land Exchange Act (Renzi)

Order of Business: The bill is scheduled to be considered on Tuesday, November 18th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2907 would provide for a 55,000-acre land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, within 18 months of this bill’s enactment. The bill contains various provisions regarding water rights and conservation on the exchanged lands. The Yavapai Ranch would have to convey some of its newly acquired land to various camps in Arizona. The values of the lands would have to be equal (or made equal, in accordance with the provisions in the bill). Each party would be responsible for its own costs associated with the exchange.

The acquisition of the private land would only have to be added to the Management Plan for the Prescott National Forest when the Plan needs revision for some other reason.

The federal government would have to build a new public access road through a specified portion of the newly acquired lands. Timber harvesting could only be conducted on the newly acquired private land if the Secretary of Agriculture determines that timber harvesting is necessary to prevent or control fires, insects, and disease through forest thinning or other forest management techniques; to protect or enhance grassland habitat, watershed values, native plants, trees, and wildlife species; or to improve forest health.

The bill would also authorize the conveyance of an additional parcel of land in the Gila and Salt River Base and Meridian, Coconino County, Arizona, to an individual or entity that represents the majority of landowners with encroachments on the lot. This individual or entity would have to pay the government \$2500 plus any costs of re-monumenting the boundary of land.

The federal government would have to compensate people holding federal grazing permits for any loss of grazing associated with the land transfers in this bill. [No details given.]

Additional Background: Certain parcels of private land in the approximately 170 square miles of land commonly known as the “Yavapai Ranch” and located in Yavapai County, Arizona, are intermingled with National Forest System land owned by the United States and administered by the Secretary of Agriculture as part of Prescott National Forest. The private land is owned by the Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., in an intermingled checkerboard pattern, with the United States or Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., owning alternate square mile sections of land or fractions of square mile sections. Significant portions of the private land within the checkerboard area are located in environmentally valuable areas that possess attributes for public management, use, and enjoyment. On the other hand, parcels of National Forest System land have been identified for conveyance to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., because the parcels have significantly lower recreational, wildlife, ecological, and other public purpose values than the land to be acquired by the United States. The checkerboard pattern of ownership makes both the federal and non-federal lands less useful.

The General Services Administration reports that the federal government owns 50.1% of the land in Arizona (as of September 30, 2002).

http://www.gsa.gov/cm_attachments/GSA_PUBLICATIONS/Annual_Report_26_R2AV1-z-c_0Z5RDZ-i34K-pR.pdf

Committee Action: On October 29, 2003, the Resources Committee marked up and ordered the bill favorably reported to the full House by voice vote.

Administration Position: The Department of Agriculture supports this legislation, with some reservations and concerns:

<http://resourcescommittee.house.gov/108cong/forest/2003oct21/review.htm>

Cost to Taxpayers: A CBO cost estimate is unavailable.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: Though a committee report citing constitutional authority is unavailable, Article IV, Section 3, Clause 2 grants Congress the power to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 280—National Aviation Heritage Area Act (Hobson)

Order of Business: The bill is scheduled to be considered on Tuesday, November 18th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 280 would establish a National Aviation Heritage Area in specified counties of Ohio and Indiana to highlight and preserve property and items related to the nation's aviation history.

The bill would also create an Aviation Heritage Foundation as the management entity for the Heritage Area. The Foundation would be required to create, within three years, a management plan for (among other things) assisting units of government and nonprofit organizations in establishing and maintaining interpretive exhibits regarding aviation, developing recreational resources, increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area, and restoring historic buildings that relate to aviation.

The Foundation could not use federal funds received under this legislation to acquire real property or an interest in real property and would have to report annually to the Secretary of the Interior. The Secretary and the State of Ohio would have to approve the Foundation's management plan, and upon the request of the Foundation, the Secretary could provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan.

Any federal agency conducting or supporting activities directly affecting the Heritage Area would be directed to coordinate (as best as possible) with the Secretary and the Foundation.

The bill would authorize total appropriations of \$10 million, though not more than \$1 million could be appropriated directly for the Heritage Area in any fiscal year. The federal share of the cost of activities carried out using any assistance or grant under this legislation could not exceed 50%.

The authority of the Secretary to provide assistance under this legislation would sunset 15 years after enactment.

H.R. 280 would also direct the Secretary of the Interior to conduct a special resource study detailing alternatives for incorporating the Wright Company Factory into the Dayton Aviation Heritage National Historical Park.

Additional Background: Congress has established 23 National Heritage Areas around the country, in which conservation, interpretation, and other activities are managed by partnerships among federal, state, and local governments and the private sector. The National

Park Service provides technical assistance, as well as financial assistance for a limited number of years following designation.

The National Park Service defines a National Heritage Area as follows:

A “National Heritage Area” is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

National Heritage Areas are a new kind of national designation which seeks to preserve and celebrate many of America's defining landscapes.

<http://www.cr.nps.gov/heritageareas/FAQ/INDEX.HTM>

NOTE: no legislative criteria exist for designating a National Heritage Area.

Most of the 23 existing National Heritage Areas are located in the eastern third of the United States. To see what and where they are, visit this webpage:

<http://www.cr.nps.gov/heritageareas/VST/INDEX.HTM>

Congress authorized the National Heritage Areas as follows:

- 1 in 1984
- 1 in 1986
- 2 in 1988
- 2 in 1994
- 11 in 1996
- 6 in 2000

For more information on National Heritage Areas, visit this website:

<http://www.cr.nps.gov/heritageareas/>

Conservative Concerns: Conservatives have tended to oppose National Heritage Areas because such designations usually lead to restrictive federal zoning and land-use planning. That is, residential and commercial private property owners are often prevented from doing what they want on their own property because of federal concerns that the historic “landscape” would be disrupted.

As J. Peyton Knight of the American Policy Center told the House Resources Committee’s Subcommittee on National Parks, Recreation and Public Lands earlier this year, “Nearly every Heritage Area has a management plan or statement of purpose that calls for restrictive zoning regulations, under the auspices of more environmental protection, more open space and more historic preservation. This typically results in more infringements upon the property rights of landowners located within the boundaries of Heritage Areas.”

Furthermore, Mr. Knight points out that National Heritage Areas provide another reason for groups subsisting on federal funds to ask for even more federal funds: “If the Heritage Areas program is allowed to proliferate, experience shows that it will become not only a funding albatross, as more and more interest groups gather around the federal trough, but also a program that quashes property rights and local economies through restrictive federal zoning practices. The real beneficiaries of a National Heritage Areas program are conservation groups, preservation societies, land trusts and the National Park Service—essentially, organizations that are in constant pursuit of federal dollars, land acquisition and restrictions to development.”

Dan Clifton of Americans for Tax Reform also pointed out to the Parks Subcommittee that the “National Park Service...is already facing a multi-billion dollar maintenance backlog” and thus will not practically be able to take on any new maintenance requirements.

Committee Action: On October 21, 2003, the Subcommittee on National Parks, Recreation and Public Lands marked up and forwarded the bill to the full Resources Committee by unanimous consent. On October 29, 2003, the Resources Committee marked up and favorably reported the bill to the House floor by unanimous consent.

Administration Position: The National Park Service, in testimony before the Parks Subcommittee, recommended “**defer[ing] action on any individual national heritage area designation or study bill until generic national heritage area legislation is enacted.**” (*emphasis added*)

“Ideally, national heritage areas provide a cost-effective way to preserve nationally important natural, cultural, historic, and recreation resources through the creation of a working partnership between federal, state, and local entities. In addition, national heritage areas should be locally driven, locally supported, should not involve federal land acquisition or zoning, and should protect private property rights. At its best, this program embodies Secretary of the Interior Gale Norton’s “Four C’s” — Communication, Consultation, and Cooperation, all in the service of Conservation.”

“Some national heritage areas, however, have not met this ideal. For example, some national heritage areas have been designated without a clear indication of the ability of the management entity to assume responsibility for management of the area. The management entity subsequently has operated the area without a clear financial plan for achieving self-sufficiency without federal support. Consequently, it is time to step back, evaluate existing areas, and develop legislative guidelines that will shape future national heritage area designations.”

To read the full statement, visit this webpage:

<http://resourcescommittee.house.gov/108cong/parks/2003oct16/tiller.htm>

Cost to Taxpayers: CBO confirms that H.R. 280 would authorize appropriations of up to \$1 million a year over the next ten to fifteen years (for a total not to exceed \$10 million). CBO

also points out that the Wright Company Factory study would cost about \$200,000 over three years.

Does the Bill Create New Federal Programs or Rules?: Yes, it would create a new national heritage area.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Outside Organizations: Dan Clifton of Americans for Tax Reform (ATR) testified before the Parks Subcommittee **against** this legislation. To read Mr. Clifton's statement, visit this website:

<http://resourcescommittee.house.gov/108cong/parks/2003sep16/clifton.htm>

ATR released a "Legislative Alert" urging a "no" vote on H.R. 280 and indicating that it may include this vote in its annual congressional ratings.

Additionally, J. Peyton Knight of the American Policy Center, testified **against** the creation of new national heritage areas:

<http://resourcescommittee.house.gov/108cong/parks/2003sep16/knight.htm>

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 254—Kaloko-Honokohau National Historical Park Addition Act (*Sen. Akaka*)

Order of Business: The bill is scheduled to be considered on Tuesday, November 18th, under a motion to suspend the rules and pass the bill. The Senate passed S. 254 on March 4, 2003, by unanimous consent.

Summary: S. 254 would authorize "such sums" as may be necessary to add more than two acres of adjacent land into the 1,160-acre Kaloko-Honokohau National Historical Park in Hawaii for the purposes of offering more parking spaces for visitors and a larger, permanent headquarters building (instead of the current *rented* headquarters). The parcel is already developed with an existing building and parking spaces.

Additional Background: The General Services Administration reports that the federal government owns 16.4% of the land in Hawaii (as of September 30, 2002).
http://www.gsa.gov/cm_attachments/GSA_PUBLICATIONS/Annual_Report_26_R2AV1-z-c_0Z5RDZ-i34K-pR.pdf

Committee Action: On September 24, 2003, the Resources Committee marked up and ordered the bill favorably reported to the House floor by unanimous consent.

Cost to Taxpayers: CBO estimates that S. 254 would authorize appropriations of about \$3 million over the next year or two (to purchase the building and land).

Does the Bill Create New Federal Programs or Rules?: It would expand a national park by two acres.

Constitutional Authority: The Resources Committee, in House Report 108-296, cites constitutional authority in Article I, Section 8 (but does not cite a specific clause), and Article IV, section 3—an apparent reference to the congressional power to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 1189 - To increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands (*Delegata Faleomavaega*)

Order of Business: The bill is scheduled for consideration on Tuesday, November 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: Under current law (48 U.S.C. 1469a), federal agencies are allowed to waive the requirement for the first \$200,000 of local matching funds for federal grants to the territories of American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands (CNMI). H.R. 1189 would increase that waiver from \$200,000 to \$500,000. The bill also requires within two years, a new study from the Department of the Interior on the results of the implementation of these changes.

Additional Information: The waiver of a matching requirement was first enacted in 1980, and was set at \$100,000 only for American Samoa and the CNMI. In 1983 and 1984, the waiver amount was increased to \$200,000 and extended also to Guam and the Virgin Islands.

Committee Action: H.R. 1189 was introduced on March 11, 2003 and referred to the House Committee on Resources, from where it was reported by voice vote consent on May 7.

Cost to Taxpayers: CBO estimates that enacting H.R. 1189 would increase direct (mandatory) spending by \$2 million annually. The territories would be allowed to spend less of their own funds for several mandatory programs including the Temporary Assistance for Needy Families, Medicaid, Food Stamp, and Child Support Enforcement (CSE) programs. Federal contributions to the territories are capped for most programs, so federal spending would generally remain unchanged. However, funding for the territories is not capped for administrative costs in the Food Stamp and CSE programs. Because under the bill each territory's contribution would be reduced by \$300,000 in both the Food Stamps and CSE programs, and the federal payment to the territory would be increased by that amount. In addition, CBO expects that the territories would use some of the waived amounts to draw

down additional federal matching funds in those programs. In total, CBO estimates that federal spending would increase by about \$1 million a year for each of the programs.

The House Budget Committee reports that this increase in mandatory spending would “cause a breach in the allocation to the Resources Committee in fiscal year 2004, but not over the 5-year period.”

Does the Bill Create New Federal Programs or Rules?: The bill modifies current matching fund requirements for federal mandatory spending programs by allowing certain U.S. territories to waive matching requirements for grants up to \$500,000, increased from the current \$200,000 exemption.

Constitutional Authority: The Resources Committee (in Report No. 108-119) finds authority under Article IV, Section 3 of the Constitution (powers over territories).

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

H.Con.Res. 313 - To urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church (Sensenbrenner)

Order of Business: The resolution is scheduled for consideration on Tuesday, November 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: The resolution has 32 findings regarding the life and accomplishments of His Holiness Pope John Paul II, including the following:

“Whereas Pope John Paul II experienced the brutishness of a godless totalitarian regime, which sought to eradicate the history and culture of a proud people and sent many of his professors, friends, and millions of Polish Jews to camps where they were systematically murdered;

“Whereas Pope John Paul II was a unique, substantial, and historic catalyst in the demise of Soviet communism and the emancipation of hundreds of millions of people from totalitarian rule;

“Whereas Pope John Paul II, before visiting his native Poland in 1987, met with President Ronald Reagan, who recognized the fruits of His Holiness' labors by stating `be assured that the hearts of the American people are with you. Our prayers will go with you in profound hope that the terrible burden of brave people everywhere who yearn for freedom, even as all men and women yearn for the freedom that God gave us all. . . . We see the power of the

spiritual force in that troubled land, uniting a people in hope, just as we see the powerful stirrings in the East of a belief that will not die despite generations of oppression. . . . For despite all the attempts to extinguish it, the people's faith burns with a passionate heat: once allowed to breathe free, that faith will burn so brightly it will light the world.';

“Whereas Pope John Paul II has used public and private diplomacy and the power of moral suasion to encourage world leaders to respect the inalienable rights of the human person;

“Whereas Pope John Paul II visited Cuba to speak directly to the Cuban people and their communist rulers in 1998, calling for political and religious freedom...

“Whereas Pope John Paul II has articulated the importance of individual liberty being undergirded by a ‘moral order’ ...” and

“Whereas Pope John Paul II has brought hope and inspiration to hundreds of millions of people around the world oppressed by tyranny, hunger, disease, and despair.”

H.Con.Res. 313 resolves that the Congress:

“urges the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness’ inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church.”

Committee Action: H.Con.Res. 313 was introduced on October 28, 2003 and referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on November 6.

Does the Bill Create New Federal Programs or Rules?: No.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

H.R. 2130 — To redesignate the facility of the United States Postal Service located at 650 Kinderkamack Road in River Edge, New Jersey, as the “New Bridge Landing Post Office” (Garrett)

Order of Business: The bill is scheduled for consideration on Tuesday, November 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2130 designates the U.S. Post Office located at 650 Kinderkamack Road in River Edge, New Jersey, as the “New Bridge Landing Post Office.”

Committee Action: H.R. 2130 was introduced on May 15, 2003, and referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on November 6.

Cost to Taxpayers: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

S. 1718 - To designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office" (Sen. Roberts)

Order of Business: The bill is scheduled for consideration on Tuesday, November 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: S. 1718 designates the U.S. Post Office located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the “Senator James B. Pearson Post Office.”

Additional Information: James B. Pearson was a Senator from Kansas. He served in the Navy during World War II, as assistant county attorney of Johnson County, Kansas from 1952-1954, as county probate judge from 1954-1956, and as a member of the State senate from 1956-1960. He was appointed in January 31, 1962, as a Republican to the United States Senate to fill the vacancy caused by the death of Andrew F. Schoepel. He was elected to fill the term in November 1962, and reelected in 1966 and again in 1972. He did not seek reelection in 1978 and now resides in Washington, D.C.

Committee Action: S. 1718 was introduced on October 14, 2003, and passed the Senate by unanimous consent on October 29, 2003. It was referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on November 6.

Cost to Taxpayers: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

S. 867 — To designate the facility of the United States Postal Service located at 710 Wick Lane in Billings, Montana, as the “Ronald Reagan Post Office Building” (Sen. Burns)

Order of Business: The bill is scheduled for consideration on Tuesday, November 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: S. 867 designates the U.S. Post Office located at 710 Wicks Lane in Billings, Montana, as the “Ronald Reagan Post Office Building.”

Additional Information: For additional information, see this RSC-prepared document on President Ronald Reagan: <http://www.house.gov/burton/RSC/Reagan.PDF>

Committee Action: S. 867 was introduced on April 10, 2003, and passed the Senate by unanimous consent on June 25, 2003. It was referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on July 10.

Cost to Taxpayers: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

H.Con.Res. 69 — Expressing the sense of Congress that Althea Gibson should be recognized for her ground breaking achievements in athletics and her commitment to ending racial discrimination and prejudice within the world of sports (*Rangel*)

Order of Business: The resolution is scheduled for consideration on Tuesday, November 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 69 has nine findings regarding the late Althea Gibson and resolves: “That it is the sense of Congress that Althea Gibson should be recognized for her ground breaking athletic achievements and for continuing to serve as a role model for the Nation’s youth.”

Additional Information: The late Althea Gibson dominated the all-black American Tennis Association tournaments throughout the early 1940's, when segregation prevented her participation in tournaments sponsored by the American Lawn Tennis Association. She was the first black woman to be invited to Wimbledon in 1951, eventually winning both the women's singles and doubles in 1957. Miss Gibson was also the first black woman to win the championship at the French Open in 1956 and was inducted into the International Tennis Hall of Fame in 1971, and to the International Women's Sports Hall of Fame in 1980.

Committee Action: H.Con.Res. 69 was introduced on February 27, 2003, and was referred to the House Committee on Government Reform, from where it was reported to the full House by unanimous consent on November 6.

Cost to Taxpayers: None.

Does the Bill Create New Federal Programs or Rules?: No.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

H.Con.Res. 320 — Expressing the sense of the Congress regarding the importance of motorsports (Feeney)

Order of Business: The resolution is scheduled for consideration on Tuesday, November 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 320 has nine findings, and resolves that Congress:

“recognizes the importance of motorsports and its evolution over the past century and honors those who have helped create and build this great American pastime.”

Additional Information: According to the resolution's findings, motorsports are now “the fastest growing sports in the United States” and the facilities that provide these theme and amusement activities “contribute millions of dollars to local and State economies as well as the national economy.” The findings note that research and development of vehicles used in motorsports competition “directly contributes to improvements of safety and technology in automobiles and other motor vehicles used by millions of Americans.” Motorsports organizations named in the resolution include Championship Auto Racing Teams (CART), Grand American Road Racing (Grand Am), Indy Racing League (IRL), International Motor Sports Association (IMSA), National Association for Stock Car Automobile Racing (NASCAR), National Hot Rod Association (NHRA), Sports Car Club of America (SCCA), and the United States Auto Club (USAC).

Committee Action: H.Con.Res. 320 was introduced on November 4, 2003, and was referred to the House Committee on Government Reform. The Committee did not consider the resolution.

Cost to Taxpayers: None.

Does the Bill Create New Federal Programs or Rules?: No.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

H.R. 3287 - To award congressional gold medals posthumously on behalf of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of *Brown et al. v. the Board of Education of Topeka et al (Clyburn)*

Order of Business: The bill is scheduled for consideration on Tuesday, November 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3287 has 17 findings regarding 3 people who are named as pioneers in the effort to desegregate southern schools and authorizes the striking and presentation of 3 gold medals of appropriate design, to Joseph DeLaine, Jr., as next of kin of Reverend Joseph A. DeLaine, and to the next of kin or other personal representative of Harry and Eliza Briggs and of Levi Pearson.

Additional Information: In 1949, **Joseph DeLaine**, a minister and school principal, organized black parents in Summerton, South Carolina, to petition the school board for a bus for black students, who had to walk up to 10 miles through corn and cotton fields to attend a segregated school, while the white children in the school district rode to and from school in nice clean buses. In 1950, these same parents, including Harry and Eliza Briggs, sued to end public school segregation in *Briggs et al. v. Elliott et al.*, one of 5 cases that collectively led to the landmark 1954 Supreme Court decision of *Brown et al. v. Board of Education of Topeka et al.*

Reverend DeLaine suffered retribution including having his church and his home burned to the ground and the resolution's findings state that, "Reverend DeLaine deserves rightful recognition for the suffering that he and his family endured to teach the Nation one of the great civil rights lessons of the last century."

Levi Pearson, filed a lawsuit against the Clarendon County School District to protest the inequitable treatment of black children, and also suffered retribution, including having shots fired at his home. His lawsuit was dismissed on a technicality.

According to the bill's findings, **Harry and Eliza Briggs**, a service station attendant and a maid, "continued to fight for not only equalized treatment of all children but desegregated schools as well." Harry and Eliza both were fired from their jobs and forced to move their family to Florida.

Committee Action: H.R. 3287 was introduced on October 10, 2003 and referred to the House Committee on Financial Services, which did not consider the legislation.

Cost to Taxpayers: A CBO cost estimate is unavailable, but the bill as introduced authorizes “such amounts as may be necessary” from the U.S. Mint's Public Enterprise Fund to pay for the costs of the three gold and an unspecified number of bronze medals, while sales from the duplicate bronze medals will be deposited back into the Public Enterprise Fund.

For previous Congressional Gold Medal legislation, CBO has estimated that it costs \$30,000 to design a Gold Medal and that each medal has \$5,500 worth of gold. Thus, the three gold medals authorized would cost the taxpayers \$46,500 for the gold and design, offset by sales of the duplicate bronze medals.

Does the Bill Create New Federal Programs or Rules?: No, the bill authorizes the creation of three gold medals and duplicate bronze medals.

Constitutional Authority: A Financial Services Committee report citing authority is unavailable.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

H.R. 3491 - National Museum of African-American History and Culture Act (*Rep Lewis (GA)*)

Order of Business: The bill is scheduled for consideration on Tuesday, November 18, 2003, under a motion to suspend the rules and pass the bill.

Summary: The bill authorizes \$32 million in FY04 for the creation of a new “National Museum of African American History and Culture” in Washington D.C. and new grant and scholarship programs “in support of the goals of the Museum.” H.R. 3491 also authorizes the creation of a 19-member voting council within the Smithsonian Institute to recommend and report on the museum’s construction and all matters relating to the museum.

The bill authorizes the Board of Regents of the Smithsonian Institute, within 12 months, to designate a site in D.C. for the Museum out of four possible sites listed in the bill (two of which are on the National Mall). The sites are as follows:

- The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia [Two buildings west of Air & Space Museum, just south of “The Castle”, and across the street from the Department of Energy].
- The area bounded by Constitution Avenue, Madison Drive, and 14th and 15th Streets, Northwest [Next to the National Museum of American History, across the street from the Department of Commerce].

- The site known as the “Liberty Loan site”, located on 14th Street Southwest at the foot of the 14th Street Bridge. [Near the Bureau of Engraving and Printing, down the street from the Holocaust Museum].
- The site known as the “Banneker Overlook site”, located on 10th Street Southwest at the foot of the L’Enfant Plaza Promenade.

Once a site is selected, the bill authorizes the Board of Regents to plan, design, and construct a building and **authorizes the federal government to pay 50% of the building costs** and specifies that 50% shall be from “non-federal sources.” The bill authorizes “such sums as are necessary” for this purpose and states that federal funds “**may be used to conduct fundraising** in support of the Museum from private sources.”

The purpose of the Museum, as outlined in H.R. 3491 shall be to provide:

- (1) “the collection, study, and establishment of programs relating to African American life, art, history, and culture that encompass: “the period of slavery; the era of Reconstruction; the Harlem renaissance; the civil rights movement; and other periods of the African American diaspora”;
- (2) the creation and maintenance of permanent and temporary exhibits “documenting the history of slavery in America and African American life, art, history, and culture”;
- (3) the collection and study of artifacts and documents relating to African American life, art, history, and culture; and
- (4) collaboration between the Museum and other museums, historically black colleges and universities, historical societies, educational institutions, and other organizations that promote the study or appreciation of African American life, art, history, or culture, including collaboration concerning— development of cooperative programs and exhibitions; identification, management, and care of collections; and training of museum professionals.

Additional Information: The National Museum of American History has “The Program in African American Culture” (PAAC) which became part of the National Museum of American History in 1982. According to the Smithsonian website, “The purpose of PAAC is to systematically research, interpret, document and preserve the historical and cultural life and legacy of Americans of African descent through public programs, publications, and other media. The program's work requires the development of strong ties with community organizations, schools, and scholarly research centers for the purpose of organizing programs, broadly disseminating educational materials, and training emerging researchers and scholars in African American studies, cultural studies, and public history.”

<http://americanhistory.si.edu/paac/index.htm>

There is currently a Smithsonian-affiliated museum in Washington, D.C. called “The Anacostia Museum and Center for African American History and Culture.”

(<http://anacostia.si.edu/>), though the findings of H.R. 3491 notes that “there exists no national museum within the Smithsonian Institution that—is devoted to the documentation of African American life, art, history, and culture; and encompasses, on a national level—the period of slavery; the era of Reconstruction; the Harlem renaissance; the civil rights movement; and other periods associated with African American life, art, history, and culture.”

Committee Action: H.R. 3491 was evidently introduced yesterday, November 17 or today. It is not publicly available and thus it is not known what committee it has been referred to. No Committee considered this legislation. A different version of this museum bill (H.R. 2205) was introduced on May 22, 2003, and referred to the House Administration Committee, which did not consider the bill. A similar bill passed the Senate (S. 1157) on June 23, 2003 by unanimous consent.

Cost to Taxpayers: A CBO cost estimate is not available. **The bill authorizes at least \$32 million in FY04 and an unspecified 50% of the cost of museum construction, plus such sums** for the following years.

Specifically, the bill authorizes \$15 million in FY04 and “such sums as are necessary for each fiscal year thereafter” for 4 new grant programs and one scholarship program through the Institute of Museum and Library Services for various purposes dealing with the new National Museum and with “African American museums” (Note: presumably the plural form of “museum” implies programs dealing with similar museums throughout the country.) The bill authorizes such sums for 50% of the costs of construction the museum [an estimate cost could not be determined]. And the bill authorizes \$17 million in FY04 and “such sums as are necessary for each fiscal year thereafter” for the administration and educational efforts of the museum, for the expenses of the new 19-Member council, and for a museum director and two staff.

Does the Bill Create New Federal Programs or Rules?: Yes. The bill creates a new museum, a new 19-member council, 4 new grant programs, one new scholarship program, and authorizes various educational activities related to African American History and Culture.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

Berkley Motion to Instruct Conferees on H.R. 1—Medicare Prescription Drug Modernization Act of 2003

Order of Business: On Monday, November 17th, 2003, Rep. Shelley Berkley (D-NV) announced her intention to offer a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Modernization Act of 2003.

Summary of Motion: The motion directs the House conferees to:

- Reject subtitle C of title II of the House bill. This section provides for competition in 2010 between privately run Medicare plans and traditional Medicare fee-for-service. More information on the 2010 competition provisions can be found here: <http://www.house.gov/burton/RSC/MedicareHR1Summary03.pdf>
- Reject section 231 of the Senate bill (S. 1). Section 231 authorizes the Medicare administrator to set up “highly competitive” preferred provider regions. In these

regions, preferred provider plan payments would be based on bids instead of regional benchmarks. Funding for the program totaling \$6 billion would be available for 2009 through 2013.

- Increase payments to physicians by the amount saved by eliminating the two provisions above.
- Retain section 601 of the House bill. This section provides for physician payment updates of not less than 1.5% for FY04 and FY05.

Additional Background: The House has rejected identical motions previously—most recently the Capps Motion, which failed 197-209:

<http://clerk.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=615>

Cost to Taxpayers: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

RSC Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

Kennedy (RI) Motion to Instruct Conferees on H.R. 2660—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004

Order of Business: On Monday, November 17th, 2003, Rep. Patrick Kennedy (D-RI) announced his intention to offer a motion to instruct conferees on H.R. 2660, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004.

Summary of Motion: The motion directs the managers on the part of the House to support “the highest funding levels possible for nutrition programs for our Nation's seniors authorized by the Older Americans Act.”

Background: The elderly nutrition programs, authorized under Title III of the Older Americans Act (Public Law 106-501 extended the programs through FY2005), provides grants to state agencies on aging to support congregate and home-delivered meals to people 60 years and older. It is the largest program of the Older Americans Act, representing over 40% of the Act's total funding.

In FY2002, these older Americans nutrition programs were appropriated \$716.2 million, and in FY2003 they were appropriated \$718.3 million. [In the legislation for FY2004 \(H.R. 2660\), the House version would appropriate \\$720.7 million, while the Senate version would appropriate \\$717.0 million.](#)

Cost to Taxpayers: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718
